

**Before the
Federal Communications Commission
Washington, DC 20554**

In the matter of Broadcast Localism

Amendment of the Commission's Rules)	
Governing Modification of FM and AM)	MB Docket No.
Authorizations)	04-233
)	

To: Chief, Allocations Branch

Comments

Nick De Vogel, General Manager,
KMIH-FM

On behalf of
Mercer Island School District #400
January 3, 2005

**Before the
Federal Communications Commission
Washington, DC 20554**

In the matter of
Broadcast Localism

) MB Docket No.
) 04-233
)

Comments

I. Introduction

The Mercer Island School District #400, owner of KMIH-FM at Mercer Island, Washington, wishes to comment before the Commission on the current Broadcast Localism docket # 04-233 on Broadcast Localism, that is pending before the Commission. In the comments herein to follow, the Mercer Island School District will be regarded as “MISD”, and REC Networks as “REC”.

II. Response of Support for the general REC comments as a whole

MISD considers REC’s comments to be overall sound and practical. Of particular interest is the emphasis by REC to improve FM radio’s spectrum efficiency for low power FM (LPFM) applicants and for current low power operators, both LPFM and current grandfathered Class D educational FM’s, which sorely need help from the Commission for a fighting chance to better serve their respective communities. This comment has been recently highlighted and underscored by the Chairman himself. Commission Chairman Michael Powell commented¹ on

¹ “Broadcasters must serve the public interest, and the Commission has consistently interpreted this to require broadcast licensees to air programming that is responsive to the interests and needs of their

the enormous importance of broadcast localism and its undeniable value to the very local communities that both Class D educational FM's and LPFM's are directly licensed to serve.

It is logical to assert that nearly all of the Class D and LPFM stations are directly connected to a well established local entity, such as in the case of KMIH; a school or community group that is supported by the very community that it serves. This true local connection translates to on the ground local persons, who live and work in the very communities under which the licenses are assigned to serve. Unlike most large commercial broadcast interests then, these stations know their pulse of their local communities, their activities, interests, needs and concerns. Of particular interest to the Commission in this proposal by Class D and LPFM operators: local EAS participation, earthquake and emergency awareness, as well as both local and national security concerns.

III. Grandfathered Class D's deserving of protection consistent with currently established Rules

The MISD wishes to point out to the Commission that the current nature of the general rules on the relationship between Grandfathered Class D stations and super-powered Class D operations versus LPFM applications and the like. MISD respectfully requests that the Commission streamline current rules to preserve the Grandfathered Class D stations from interference and proper protection to keep these long-standing operations intact. One such example would be to follow-through on the current rule regarding Class A protection

contours as described in CFR 47 73.807 for all Class D operators operating on channels 200-220. This is a consistent approach that would establish clear boundaries for both Class D and LPFM operations to flourish, further enhancing broadcast localism at the true local level.

IV. The Commission should Update Technical Receiver Requirements

It has been recently discovered by MISD that there is no clear ruling for radio manufacturers that technically require all 100 FM broadcast channels to be receivable by the buying public. The Commission should correct this simple oversight with a simple type acceptance mandate. This problem should be highlighted as this time, particularly with the advent of new digital IBOC technologies and the general public's simple but correct expectation that all 100 channels ought be received when purchasing a typical new FM receiver. The Commission merely needs to update the rule on FM radio receivers and require FCC type acceptance on all channels; channel 200 through channel 300 as the spirit of the rules as they have always been implied by the Commission, but which some have skipped in the past or in the future.

Making this correction will further enhance all users of the FM broadcast spectrum as well as better serve all parties concerned, both within this Rulemaking proposal and beyond, to all communities and broadcasters as a whole for the good of the nation. This change would also promote the FCC itself; being an advocate for good quality FM service that is receivable on all 100 channels

that the Commission properly established at the beginning of the FM service itself.

V. Elimination of IF rule protections to include Grandfathered Class D stations.

In point #16 of the REC comments², there is a request to move the IF protection requirement (in-line with current translator rules) from 99 to 101 watts. MISD notices however, that Class D educational stations also need this protection status changed to better accommodate streamlined efficiency of the current NCE channel spectrum between channel 200 and 220, as well as channels 221-300. REC correctly points out that current IF protection requirements are at best archaic and in need of serious upgraded review, given modern day receivers and their unique ability to correctly differentiate between the various channels authorized. The Commission should embark a study that properly adheres to the new technical abilities and requirements of modern day radio receiving apparatus, and eliminate the broad, outmoded technical IF separation requirements that are simply no longer needed by today's receiving equipment.

Chairman Powell himself recognizes the need for technical changes and an upgrade from the golden era of the past. To quote the Chairman: "Much of the Regulatory structure and analytical foundations that exist today were built around TV and radio as it existed in the golden age"³ All class services should therefore be included to the new standard, in particular Class D's and LPFM because they

² REC Comments on Broadcast Localism MB 04-233

³ Chairman Powell comments before the press on Oct 23, 2001 (from www.radiodiversity.com archives #000738)

are currently being unfairly penalized with regard to possible spectrum options to streamline operations and further enhancement of scarce space, particularly in higher density.

The Chairman goes on to describe exactly the point to which our comments make: “The current rules, standards and principles do not take any account of the very dramatic changes in the media landscape”⁴

IV Conclusion

The MISD respectfully requests that the Commission adopt the suggestions made in this comment as part of an overall consideration being reviewed under this proceeding MB 04-233, and implement them at the earliest opportunity.

Respectfully submitted on behalf of the Mercer Island School District #400.

Nicolaas C. De Vogel
General Manager, KMIH-FM

On Behalf of
Mercer Island School District #400
January 3, 2005

⁴ *IBID from Powell Press Conference 10/23/01*